



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/173,445	10/16/98	KWITEK	B KWI-001

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HOWARD N FLAXMAN
AQUILINO & WELSH
2341 JEFFERSON DAVIS HWY STE 112
ARLINGTON VA 22202

EXAMINER

BLAU, S

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 12/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/173,445

Applicant(s)

Kwitek

Examiner

Stephen Blau

Group Art Unit

3711



☒ Responsive to communication(s) filed on Oct 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) 4, 5, 12, and 15-20 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 6-11, 13, and 14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Minami.

Minami discloses a tubular shell (5), a viscoelastic hand surface about the outer surface of the tubular shell (Ref. no. 6, Col. 3 Lns. 2-4, Col. 3 Lns. 14-16), a tubular shell being a soft elastomer in form of being made of rubber and being softer than the hand surface (Col. 3 Lns. 51-53), a golf club grip (Fig. 1), and a shell being substantially cylindrical shaped with a slight taper (Figs. 2-3).

Claim Rejections - 35 USC § 103

Art Unit:

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami in view of Huang.

Huang discloses a shell having lips (Fig. 1). In view of the patent of Huang it would have been obvious to modify the grip of Minami to have lips on a tubular shell to better secure a hand surface about a tubular shell.

5. Claims 1, 6-7, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Minami.

Moore discloses a viscoelastic hand surface being a viscous silicone gel (Col. 5 Lns. 32-67) material contained within an elastomeric bag for a tennis racket.

Minami discloses grip for a golf club (Fig. 1) having a tubular shell underneath a viscoelastic hand surface (Fig. 2). In view of the patent of Moore it would have been obvious to modify the grip of Moore to have a tubular shell underneath a viscoelastic hand surface in order to provide more padding to player to minimize the vibrations when impacting a ball. In addition, it

Art Unit:

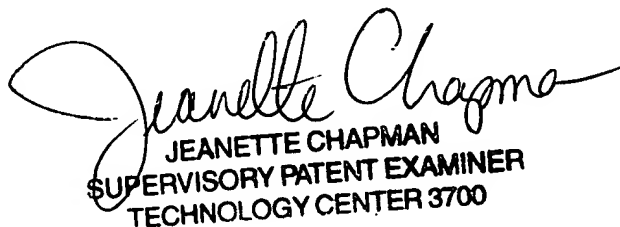
would have been obvious to modify the grip of Moore to be used for a golf club in order to custom fit a grip to a golf club.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blair discloses a tennis racket with a tubular grip. JP 64-49579 disclose gel inside recesses of a grip of a tennis racket.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Jeanette Chapman whose telephone number is (703) 308-1310. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

slb/10 December 1999



JEANETTE CHAPMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700